

D36VFERT

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

10 Cr. 863 (AKH)

6 JOE FERNANDEZ,

7 Defendant.

JURY TRIAL

8 -----x
9 New York, N.Y.
10 March 6, 2013
11 10:50 a.m.

12 Before:

13 HON. ALVIN K. HELLERSTEIN,

14 District Judge

15 APPEARANCES

16 PREET BHARARA

17 United States Attorney for the
18 Southern District of New York

TODD BLANCHE

RUSSELL CAPONE

JOHN P. CRONAN

19 Assistant United States Attorneys

MURRAY RICHMAN

BRIAN PAKETT

20 Attorneys for Defendant

21
22 ALSO PRESENT: SHAWN MacDONALD, DEA
23 VANESSA QUINONES, Paralegal
24 DON TAYLOR, Paralegal

D36VFERT

1 (Trial resumed)

2 (In open court; jury not present)

3 THE COURT: I understand there's a dispute.

4 MR. BLANCHE: Yes, your Honor.

5 THE COURT: How come? I thought everybody agrees with
6 everybody else.

7 MR. BLANCHE: We agreed on --

8 THE COURT: All this sweetness and the like, the judge
9 doesn't have to do anything.

10 MR. BLANCHE: We agreed on a lot of things; your
11 Honor, but we have a few minor disputes, your Honor.

12 MR. RICHMAN: We are agreeing, your Honor, most
13 respectfully, the wisdom of this judge.

14 THE COURT: The lack of wisdom or the fullness of
15 wisdom.

16 Let's get off this.

17 So what is the dispute, Mr. Blanche?

18 MR. BLANCHE: Your Honor, with respect to Patrick
19 Darge, we agree on everything except for a couple of lines. We
20 gave your Honor copies of the transcript of Patrick Darge's
21 testimony.

22 THE COURT: Yes.

23 MR. BLANCHE: If your Honor turns to Page 256 --

24 THE COURT: One minute.

25 I'll start at 255.

D36VFERT

1 MR. BLANCHE: Pardon me, your Honor?

2 THE COURT: I'll start at 255.

3 MR. BLANCHE: Okay. So 255.

4 We actually want to start, your Honor, on 256, Line 3
5 to 6.

6 THE COURT: That's what you want to include.

7 MR. BLANCHE: Yes, as being responsive to Patrick
8 Darge's testimony about conversation with Joe about murder
9 plot.

10 THE COURT: And Mr. Richman, what is it that you want
11 to do?

12 MR. RICHMAN: Your Honor, I don't want to become too
13 petty, but I do understand --

14 THE COURT: Mr. Richman, do me a favor. Don't be
15 polite. Just tell me what you want.

16 MR. RICHMAN: I'm not quite sure that's part of the
17 conversation.

18 THE COURT: The question is this: Patrick Darge's
19 testimony as to conversations with Joe about murder plot, is
20 that what we're talking about now?

21 MR. RICHMAN: Yes.

22 THE COURT: Okay. So conversation with Joe.

23 I'm starting at 255.

24 MR. RICHMAN: 256, Line 3, your Honor.

25 THE COURT: I'm starting at 255, Line 3.

D36VFERT

1 MR. RICHMAN: 256, Line 3, sir.

2 THE COURT: I'm starting at 255, Line 3, which
3 introduces the relationship between Patrick Darge and Joe
4 Fernandez.

5 MR. RICHMAN: Is that your suggestion?

6 THE COURT: Yes.

7 MR. RICHMAN: Respectfully, that is not what is
8 requested.

9 THE COURT: So what do you want, Mr. Richman?

10 MR. RICHMAN: I suggest we start at 256, Line 3.

11 THE COURT: And continue until?

12 MR. RICHMAN: And continue until 258, Line 6 -- 256,
13 Line 6.

14 THE COURT: So you want three lines.

15 MR. BLANCHE: That's what the government wants, too.

16 MR. RICHMAN: We agree.

17 THE COURT: You agree.

18 MR. BLANCHE: We don't object anymore to that one.

19 THE COURT: So what's the dispute? The problem is did
20 you -- Line 3. Are you the one who asked him to participate.
21 So we don't know the names. So I would suggest -- you know
22 what? I'll read it to the jury. We'll get the jury in. The
23 jury wants more, I'll give them some more.

24 Okay. 256, Line 3 to Line 6. I'll tell the jury who
25 "one" is and who "him" is.

D36VFERT

1 MR. BLANCHE: Okay.

2 THE COURT: And who "I" is.

3 MR. BLANCHE: We only have one more dispute with
4 respect to Patrick Darge's testimony, which is starting at Page
5 271, your Honor.

6 THE COURT: All right.

7 So the answer to the first part --

8 MR. BLANCHE: There's several responses. Yes, there
9 are several other parts of the transcript that we want that
10 we'll give to your Honor. We're only giving your Honor the
11 disputes right now.

12 THE COURT: Okay. Next.

13 MR. BLANCHE: So the only other dispute with Patrick
14 Darge --

15 THE COURT: I'll tell you what -- otherwise we can
16 give this to the jury? Yes?

17 MR. RICHMAN: Yes.

18 THE COURT: All right.

19 We're going to start at 255, Line 3, and we'll
20 continue.

21 MR. RICHMAN: Your Honor, are you saying 255? Because
22 we both agreed with 256.

23 THE COURT: And it's going to go to 256, Line 8.

24 MR. BLANCHE: Okay.

25 THE COURT: In answer to the first subparagraph,

D36VFERT

1 conversation with Joe about murder plot.

2 MR. BLANCHE: Okay.

3 So, your Honor, the next dispute --

4 THE COURT: And I want you to identify for the record
5 what we're going to give to the jury. What pages are we giving
6 to the jury on the topic "conversation with Joe about murder
7 plot."

8 MR. BLANCHE: There's several.

9 Do you want me to put them in the record right now?

10 THE COURT: Yes, I do.

11 MR. BLANCHE: Okay.

12 THE COURT: So the first one is 255, Line 3, to 256,
13 Line 8.

14 MR. RICHMAN: Your Honor, we had agreed on 255 --

15 MR. BLANCHE: No, 256.

16 MR. RICHMAN: 256, Line 3 to Line 8.

17 THE COURT: I'm enlarging it so the jury has better
18 intelligence.

19 MR. BLANCHE: Okay.

20 So 255, Line 3, to 256, Line 8.

21 THE COURT: Yes.

22 MR. BLANCHE: The next one is also --

23 THE COURT: 255. There's one more I have considered,
24 but I think that answers the jury's question.

25 MR. BLANCHE: The next is 271, your Honor. The

D36VFERT

1 government wants Lines 10, 11, and 12.

2 THE COURT: 271.

3 MR. BLANCHE: 271, Lines 10, 11, and 12.

4 THE COURT: And what's this in reference to?

5 MR. BLANCHE: This is also in reference to the same
6 thing: Patrick Darge's testimony about conversation with Joe
7 about the murder plot.

8 MR. RICHMAN: That is not a conversation with --

9 THE COURT: Just a minute.

10 Can I read it?

11 Lines what? Give me again.

12 MR. BLANCHE: Ten is the question, and then 11 and 12
13 is the answer.

14 (Pause)

15 THE COURT: Mr. Richman.

16 MR. RICHMAN: Your Honor, that is not responsive to
17 the question. It's not a conversation between Fernandez and
18 Darge. Not even alleged to be.

19 MR. BLANCHE: Your Honor, the government believes that
20 in the answer he talks about --

21 THE COURT: I will agree with Mr. Richman on this.
22 This is a conversation with Rivera, and he's telling Rivera
23 about Joe Fernandez. That will not be given to the jury.

24 MR. BLANCHE: The next portion which the parties agree
25 on begins on Page 275, Line 6, and continues to 277, Line 16.

D36VFERT

1 THE COURT: And this is in response to what?

2 MR. BLANCHE: It also responds to the same thing,
3 Patrick Darge's testimony about conversations with Joe about
4 the murder plot.

5 THE COURT: Mr. Richman?

6 MR. RICHMAN: That's agreed, your Honor.

7 THE COURT: Okay. That will go to the jury.

8 MR. BLANCHE: The next one which we agree on responds
9 to the same question: Page 278, Lines 5 and 6, and then
10 picking up again on Page 278, Lines 12 through 281, Line 14.

11 MR. RICHMAN: Agreed.

12 THE COURT: Okay. That will go to the jury.

13 MR. BLANCHE: Okay.

14 Now, the next one which there is a dispute about, your
15 Honor, begins on Page 307. The government wants it to start at
16 Line 23, and continue to 308, Line 11, believing it's
17 responsive to that same question. And the defense objects.

18 MR. RICHMAN: We do object, your Honor. It's not a
19 conversation --

20 THE COURT: Can I please read it.

21 (Pause)

22 THE COURT: I might rule for you without your saying a
23 word. Then if you say a word, you can persuade me not to rule
24 for you.

25 (Pause)

D36VFERT

1 THE COURT: I want to rule in favor of the government
2 on this point, Mr. Richman. So you make your argument.

3 Mr. Richman. I'm going to rule in favor of the
4 argument.

5 MR. RICHMAN: Respectfully, your Honor, that is not a
6 conversation. It is a restatement of previous testimony to
7 buttress the people's case.

8 THE COURT: Well, it does seem to me a repetition, but
9 nevertheless a conversation. And repetitions are not
10 necessarily objectionable. There was no objection to the
11 question on Line 23. It is a question, and it was answered at
12 Line 25. And then in answer to the question at what point
13 Mr. Darge saw a gun, he answered with a conversation. So
14 although the answer is not strictly responsive in the context,
15 I rule that it was. If an objection had been made, I would
16 have allowed the question and answer. So I rule in favor of
17 the government.

18 307, Line 23 to 308, Line 11 will be shown to the
19 jury.

20 MR. BLANCHE: The rest of the transcripts for Patrick
21 Darge we agree on, but I'll put them on the record now.

22 THE COURT: Please.

23 MR. BLANCHE: Beginning with Page 309, Line 5, through
24 309, Line 14, also responsive to that first question.

25 Next one, 323, Line 1, through 323, Line 6. Same

D36VFERT

1 question; responsive to the same question.

2 Picking up again on Page 323, Line 14, through 324,
3 Line 24. Same question.

4 Then picking up on Page 325, Lines 4 through 6; and
5 then 325, Lines 9 through 22, also responsive to the same --

6 MR. RICHMAN: What was that?

7 MR. BLANCHE: -- question.

8 THE COURT: 325, Lines 9 through 22.

9 MR. RICHMAN: Got you. Yes.

10 MR. BLANCHE: Then Page 343 we agree with, Lines 1
11 through 11.

12 And, your Honor, from here, this is responsive to the
13 second part of the jury question, which is --

14 THE COURT: The response to the first part starts with
15 Page 255, and the last entry is 325, Line 22.

16 MR. BLANCHE: Line 22. Correct, Judge.

17 THE COURT: These are all conversations with defendant
18 about the murder plot.

19 MR. BLANCHE: Exactly. That begins on Page 343, Line
20 1 through 11, through Line 11.

21 THE COURT: This is now a conversation with defendant
22 in prison.

23 MR. BLANCHE: Correct. Yes, your Honor.

24 And then picks up again on 344, Line 2, also
25 responsive to the prison conversations, through 346, Line 13,

D36VFERT

1 picking up again 346, Line 15 through 19. Yes, your Honor.

2 And just backing up for one moment.

3 On 346, Line 13, that ends with Luis, and then period,
4 on Line 13.

5 We pick up again on Line 15 on Page 346, through Line
6 19 on Page 346.

7 MR. BLANCHE: Just to be clear, defense counsel is
8 right. Line 15, it says: "The Court." We are going to
9 include that so the jury knows it's the Court talking, and then
10 redact the rest of that line. Pick up Line 16.

11 THE COURT: Just a minute.

12 MR. BLANCHE: And I'm on Page 346, your Honor.

13 THE COURT: The word "sustained" is not going to be in
14 here.

15 MR. BLANCHE: Exactly, Judge. Correct.

16 THE COURT: Okay.

17 MR. BLANCHE: So 346, Line 15, "The Court," through
18 Line 19; and then again on 346, the same thing on Line 22, "The
19 Court," and then the rest is redacted.

20 And then continuing on 346 through 348, Line 5.

21 And, your Honor, the last portion of that, what's on
22 347 and 348, respond to the question Patrick's letter to his
23 grandmother. So that's Page 347, about Line 11 is when the
24 answer starts, through 348, Line 5.

25 THE COURT: Okay.

D36VFERT

1 MR. BLANCHE: And then we pick up again 348, Line 24.
2 And, again, this is -- now we're back in response to the
3 conversations in prison, through 349, Line 8. And that
4 concludes the government and the defense's views, and the
5 Court's rulings on Patrick Darge's responsive answers.

6 THE COURT: Okay.

7 MR. BLANCHE: And we have it already almost done, just
8 a few changes based upon your Honor's rulings where it's
9 redacted and ready for the jury to review. If you want, in a
10 moment I can ask our paralegal to go down and clean up --

11 THE COURT: Let's finish what we're doing now.

12 MR. BLANCHE: Okay.

13 Your Honor, the easy one to do next is Allen Darge,
14 because we agree.

15 So with Allen Darge's testimony, the agreed-upon
16 portions are all responsive to when he met with Joe at
17 Christian Guzman's apartment and Joe confessed to him. The
18 first responsive -- begins on Page 814, Line 24, continuing to
19 821, Line 7.

20 The next portion is 849, Line 1, through 849, Line 11.
21 And then 849, Line 15, through 850, Line 2. And then 857,
22 beginning at Line 2, through 857, Line 14. And then picking up
23 again on Line 16 with "The Court" colon. And then continuing
24 through 857, Line 25, picking up again 859, Line 25, through
25 860, Line 8. And that's all the agreed-upon responsive

D36VFERT

1 portions of Allen Darge's testimony, your Honor.

2 THE COURT: Okay.

3 MR. BLANCHE: Okay?

4 And now leaving the most complicated for last, your
5 Honor, we're now at Geffrey Minaya's testimony, his
6 understanding as to who the second shooter was.

7 Your Honor, the first responsive portion, in the
8 government's view -- and this is a dispute on this -- begins on
9 line 72 --

10 THE COURT: Excuse me a minute.

11 MR. BLANCHE: There's no dispute.

12 Page 72, Lines 6 through 11. The first dispute is on
13 Page 188, your Honor.

14 THE COURT: Okay.

15 MR. BLANCHE: The government wants to include lines
16 188 -- Line 20 --

17 THE COURT: Wait. This is --

18 MR. BLANCHE: This is Geffrey Minaya's direct
19 testimony about --

20 THE COURT: Okay. 188, line?

21 MR. BLANCHE: Line 20. And we want to go through 189,
22 Line 7. And there's a dispute.

23 THE COURT: Mr. Richman?

24 MR. BLANCHE: I should have been more complete. I
25 don't think the defense objects to Lines 3 through 7 on Page

D36VFERT

1 189, so it's really where we start.

2 MR. RICHMAN: Yes, your Honor. That's correct. We
3 object because it's not responsive to the question at all.

4 THE COURT: What do you want, Mr. Richman?

5 MR. RICHMAN: We want to start at Line 3 on Page 189,
6 through Line 7.

7 THE COURT: Why should any of this be relevant? It's
8 all hearsay.

9 MR. BLANCHE: Your Honor, the question was --

10 THE COURT: It was admitted to allow Geffrey Minaya to
11 testify according to his understanding of the event. But
12 Minaya's knowledge is all based on statements from hearsay
13 statements.

14 MR. BLANCHE: That's exactly their question, is his
15 understanding as to who the second shooter was.

16 THE COURT: It doesn't necessarily mean that it's
17 relevant to the issue.

18 Do you object, Mr. Richman?

19 MR. RICHMAN: On the issue -- I agree that that
20 particular issue that if --

21 THE COURT: Nothing of this goes in. There will be
22 nothing on Mr. Minaya's understanding. And I'll tell the jury
23 that's a hearsay --

24 MR. BLANCHE: Nothing from Mr. Minaya's.

25 THE COURT: There will be no response.

D36VFERT

1 MR. BLANCHE: The reason why it was admitted, I
2 believe, your Honor, it's a co-conspirator's statement. So
3 statements of other co-conspirators to Geffrey is admissible as
4 direct evidence.

5 THE COURT: It may be admissible, but the content is
6 hearsay, and it's not an admission against the co-conspirator.
7 It goes beyond that, and it's hearsay.

8 I sustain the objection.

9 MR. BLANCHE: Just for clarification, your Honor, is
10 your Honor -- how is your Honor going to --

11 THE COURT: How am I to tell the jury?

12 MR. BLANCHE: Tell the jury, yes.

13 THE COURT: That the testimony concerning what
14 Mr. Minaya's understanding was was hearsay, and it's not to be
15 considered.

16 MR. BLANCHE: But, your Honor, it's an exception to
17 the hearsay rule. Statements of co-conspirators is not
18 hearsay.

19 THE COURT: That doesn't open the door to everything.
20 It opens the door to an admission against a particular
21 co-conspirator, but it doesn't necessarily mean that the
22 hearsay understanding of a co-conspirator comes in.

23 Objection sustained.

24 MR. RICHMAN: Your Honor, there's one part of that I
25 submit, your Honor, is admissible. When they ask him -- when

D36VFERT

1 he asks outright who did he believe the shooter to be, and he
2 says specifically Boozer, because he was the most violent.

3 THE COURT: No. I'll put it all in, Mr. Richman, or
4 I'll put none of it in. What do you want, Mr. Richman?

5 MR. RICHMAN: Subject to the objections we have made
6 in terms of everything going in, I'll let it all in.

7 MR. BLANCHE: Judge --

8 THE COURT: What does that mean, Mr. Richman?

9 Sit down for a minute, Mr. Blanche.

10 What does it mean, subject to objection? You object
11 or don't object? Mr. Richman, I'm asking you a simple
12 question. Do you want it all in or none of it in?

13 MR. RICHMAN: All.

14 THE COURT: All right.

15 So the jury will get Page 72, Line 6 to 11 and 188,
16 Lines -- wait. Sorry.

17 MR. RICHMAN: We have additions.

18 MR. BLANCHE: Your Honor, 188, the government wants
19 Lines 20 through 189, Line 7.

20 THE COURT: That's all coming in.

21 MR. BLANCHE: Then the next objection is on the same
22 page, your Honor. We want Lines -- we want to start again on
23 189, Line 7, through -- excuse me, Line 17 through the end of
24 the page.

25 THE COURT: Just a minute.

D36VFERT

1 MR. BLANCHE: They want to continue on that whole
2 page.

3 THE COURT: Just a minute.

4 MR. BLANCHE: So 189, Judge.

5 THE COURT: What do you want, Mr. --

6 MR. BLANCHE: Your Honor, the government wants it to
7 go -- to start again at Line 17 --

8 THE COURT: I know what you've said. I don't know
9 what Mr. Richman wants.

10 MR. BLANCHE: They want to just continue that whole
11 page, Judge.

12 THE COURT: In other words, they want to put in Lines
13 7 through 17.

14 MR. BLANCHE: Lines 8 through -- actually, the next
15 page, 190, Line 6.

16 MR. RICHMAN: 190, Line 6.

17 THE COURT: Sit down, gentlemen.

18 190, Lines 1 through 6 will not go. The rest will go.
19 So it will be 188, Line 20, through 189, Line 25.

20 MR. BLANCHE: So, your Honor, the next one.

21 THE COURT: Got it, folks?

22 Mr. Richman, do you know my ruling?

23 MR. RICHMAN: I know your ruling.

24 THE COURT: Okay.

25 MR. BLANCHE: The next one, your Honor, is on Page

D36VFERT

1 232. The government wants Lines 12 through 15.

2 THE COURT: Wait a minute.

3 MR. BLANCHE: And Mr. Richman wants 232, lines -- they
4 want to continue with Lines 16 through 234, Lines 14. The
5 government doesn't believe that's responsive except for one
6 portion on Page 233.

7 THE COURT: Let me read it please.

8 MR. BLANCHE: Lines 10 through 22. Yes, your Honor.

9 (Pause)

10 THE COURT: Mr. Richman, what is it you want to have
11 in? Let me hear from you.

12 MR. RICHMAN: Page 232, where it says --

13 THE COURT: Starting line what?

14 MR. RICHMAN: Line 12 through all of that --

15 THE COURT: Through 234, Line 14.

16 MR. RICHMAN: To 234, Line 4.

17 THE COURT: And how much of that does the government
18 object to?

19 MR. BLANCHE: Pardon me?

20 THE COURT: How much of that do you object?

21 MR. BLANCHE: So the government objects. We believe
22 it should only go Lines 12 through 15 on Page 232, and then on
23 233, Lines 10 through 22.

24 THE COURT: Either all of it comes in or none of it
25 comes in. My preference is that none of it comes in.

D36VFERT

1 MR. RICHMAN: I want it all.

2 THE COURT: You want it all. All of it comes in.

3 MR. BLANCHE: Well, your Honor, the government
4 objects.

5 THE COURT: I know. I've ruled.

6 MR. BLANCHE: Can the government be heard or no?

7 THE COURT: Sure.

8 MR. BLANCHE: Your Honor, most of that testimony -- or
9 most of those questions and answers are about alleged prior
10 inconsistent statements of the witness.

11 THE COURT: It's all part of understanding. If you
12 want to get understanding in, which I question, but if you want
13 to get understanding in, the jury has to get the full
14 understanding. And this is part of that response. It's all
15 part of the response as to the imperfections of Mr. Minaya's
16 understanding.

17 MR. BLANCHE: The problem, in the government's mind,
18 your Honor, is the jury doesn't know what they can do with
19 that, meaning it's not allowed to be offered for the truth,
20 it's a prior inconsistent statement, which under the rules can
21 only be --

22 THE COURT: All or none.

23 MR. BLANCHE: Well, on this particular section, your
24 Honor, the government would prefer none than to allow all the
25 prior inconsistent statements, not on Geffrey Minaya

D36VFERT

1 altogether, but on this particular section, when it's talking
2 about -- when Mr. Richman's cross-examining him only on his
3 alleged prior inconsistencies.

4 THE COURT: My feeling is that if we allow some of
5 Mr. Minaya's understandings, we have to allow all of
6 Mr. Minaya's understandings to get an accurate response to the
7 jury's request. However, in my mind, none of it is relevant.
8 And I would tell the jury that neither party objected, just
9 that.

10 MR. BLANCHE: Your Honor, we most certainly don't want
11 your Honor to tell the jury that.

12 THE COURT: Okay. So it all goes in.

13 MR. BLANCHE: Okay. The next challenge or the next
14 issue, your Honor, is on Page 240, a couple pages later.

15 The government wants 240, Lines 12, through 241, Line
16 3. Defense wants 240, Line 2, through 241, Line 19.

17 THE COURT: 213 is a question -- oh, I'm sorry.
18 Withdrawn.

19 We'll start at 240, Line 2, and we'll stop at 241,
20 Line 3, to the extent I don't include objections are overruled.

21 MR. BLANCHE: Your Honor, Ms. Quinones needs a few
22 minutes; we'll go help her. If it's okay with the Court, we
23 will make seven copies of everything that we discussed today:
24 One for the Court --

25 THE COURT: I don't need one for the Court; I have the

D36VFERT

1 transcript. We need to save the government money.

2 MR. BLANCHE: Certainly, your Honor.

3 THE COURT: We'll have four copies for the jury; that
4 means three people share a copy.

5 MR. BLANCHE: Okay.

6 THE COURT: Which is fine.

7 And I'll bring the jury in now with Brigitte.

8 MR. BLANCHE: And then it should take about 15
9 minutes, your Honor, for Ms. Quinones --

10 THE COURT: I'll tell them as soon as we get it done,
11 we'll get it to them.

12 MR. BLANCHE: Okay. Thanks, Judge.

13 (Jury present)

14 THE COURT: First, I want to stress the importance of
15 every juror coming in on time, because you're not allowed to
16 deliberate -- and I'm sure you haven't deliberated -- without
17 all jurors present. The temptations are too great. It's very
18 important to be on time, because you can't do anything unless
19 you're all present.

20 Second, I want to read your note, which is Court
21 Exhibit 10, that we received 4:45 p.m. yesterday, and which
22 we're about to fulfill.

23 "We would like to continue deliberating tomorrow.
24 With your permission, we would like to be dismissed today by 5
25 p.m.," which occurred.

D36VFERT

1 "For tomorrow, we would like, one, Patrick Darge's
2 testimony, colon," which means as to, "conversation with Joe
3 about murder plot, conversation with Joe in prison, Patrick's
4 letter to his grandmother."

5 We have transcript pages which we've discussed amongst
6 ourselves as to what will be responsive to you, and all these
7 will be given to you. We're going to give you four copies, so
8 that three of you can share a copy.

9 Second, you wanted Geffrey Minaya's testimony as to
10 his understanding as to who the second shooter was. And we've
11 given you transcript pages on that.

12 And third, you wanted Allen Darge's testimony when he
13 met with Joe at Christian Guzman's apartment, and Joe confessed
14 to him. We'll give you transcript pages as to that. And it's
15 signed Loreinnie Corchado, 4:40 p.m.

16 Have I accurately related to you what you have related
17 to me?

18 FOREPERSON: Yes.

19 THE COURT: Okay. So we're about to fulfill that.

20 If you like, I can read that to you now, but you'll be
21 getting it within 10 or 15 minutes.

22 FOREPERSON: We'll wait.

23 THE COURT: Okay. So you can continue with your
24 deliberation.

25 Thank you very much.

D36VFERT

1 (Jury deliberations resumed; time noted: 11:34 a.m.)

2 THE COURT: I'll be available.

3 Plan to have lunch between 1 and 2.

4 (Recess pending verdict)

5 (Adjourned to March 7, 2013 at 10:00 a.m.)

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